

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

**FILED**  
JUL 23 2008  
  
CLERK

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

BERYLE DEAN MARROWBONE,

Defendants.

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CR 08-30029

ORDER

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Pending before the Court is Defendant's Second Motion to Continue Trial and Related Pretrial Deadlines, Doc. 27, requesting at least a thirty (30) day continuance of the trial date and related pretrial deadlines, and the Government has no objection, and after consideration of the file in this matter, the Court finds that failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and further that failure to grant the continuance would deny the public interest in bringing this case to trial in an orderly fashion. Further, the Court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the Defendant in a speedy trial. For all of those reasons as well as those set forth in the Motion,

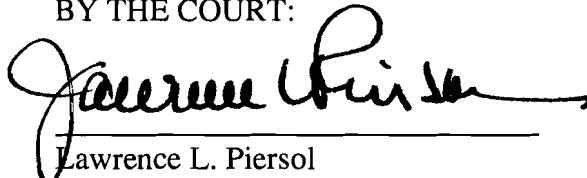
IT IS ORDERED:

1. That Defendant's Second Motion to Continue Trial and Related Pretrial Deadlines, Doc. 27, is granted in part and denied in part.
2. That September 2, 2008, is hereby set as the deadline for submission to the Court of any proposed plea agreement.
3. That all motions in limine shall be in writing and filed, together with proposed instructions, with the Court ten (10) working days before trial.

4. That the jury trial herein for Defendant shall commence in Pierre, South Dakota, on Tuesday, September 30, 2008, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
5. That the period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense for the Defendant must commence, as the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

Dated this 23<sup>rd</sup> day of July, 2008.

BY THE COURT:

  
Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY: Shelly Margulies  
DEPUTY